

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

PHAETHON  
INTERNATIONAL CO SA,  
Plaintiff(s),

CASE NO. 15-cv-03941-JSW

v.  
DAUNTLESS SHIPPING  
AND TRADING S.A.,  
Defendant(s).

STIPULATION AND [PROPOSED]  
ORDER SELECTING ADR PROCESS

Counsel report that they have met and conferred regarding ADR and have reached the following stipulation pursuant to Civil L.R. 16-8 and ADR L.R. 3-5:

The parties agree to participate in the following ADR process:

**Court Processes:**

- Non-binding Arbitration (ADR L.R. 4)  
 Early Neutral Evaluation (ENE) (ADR L.R. 5)  
 Mediation (ADR L.R. 6)

*(Note: Parties who believe that an early settlement conference with a Magistrate Judge is appreciably more likely to meet their needs than any other form of ADR must participate in an ADR phone conference and may not file this form. They must instead file a Notice of Need for ADR Phone Conference. See Civil Local Rule 16-8 and ADR L.R. 3-5)*

**Private Process:**

- Private ADR (please identify process and provider) Merits of claim being

heard in ongoing London arbitration (LMAA) with any ADR to take place abroad

The parties agree to hold the ADR session by:

- the presumptive deadline (*The deadline is 90 days from the date of the order referring the case to an ADR process unless otherwise ordered.*)  
 other requested deadline sine die

Dated: 11/13/15

  
Attorney for Plaintiff Daniel Berberich

Dated: 11/13/2015

/s/ Christopher Farnsworth  
Attorney for Defendant

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**[PROPOSED] ORDER**

- The parties' stipulation is adopted and IT IS SO ORDERED.  
 The parties' stipulation is modified as follows, and IT IS SO ORDERED.

This matter is scheduled for a case management conference on December 4, 2015. If the merits of this claim are being arbitrated and there is no action that this Court would be required to take pending resolution of that proceeding, the Court would be amenable to continuing the case management conference.

Dated: November 13, 2015

  
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UNITED STATES MAGISTRATE JUDGE  
DISTRICT

When filing this document in ECF, please be sure to use the appropriate Docket Event, e.g., "Stipulation and Proposed Order Selecting Mediation."